

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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Darryl Johnson,

Plaintiff,

v.

Capt. Carlette Wineglass, Sgt. James
Poinsette, Sgt. Jesse Williams,

Defendants.

Civil Action No. 3:10-587-SB

ORDER


This matter is before the Court upon the Plaintiff's pro se complaint, filed pursuant to 42 U.S.C. § 1983. On October 26, 2010, the Defendants filed a motion for summary judgment. The Court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Plaintiff of the summary judgment proceeding and the importance of filing an adequate response to the motion. The order specifically informed the Plaintiff that if he failed to respond to the Defendants' motion, it may be granted.

When the Plaintiff failed to respond to the Defendants' motion, the Magistrate Judge issued an order on January 7, 2011, advising the Plaintiff that he needed to notify the Court whether he wished to proceed with this action, and advising him to file a response to the Defendants' motion for summary judgment. On January 7, 2011, this order was returned to the Court marked "Return to Sender (No longer at this facility.)" and "Unable to Forward." Based on the Plaintiff's failure to keep the Court updated of his current address, as he had been specifically advised to do, the Magistrate Judge issued a report and recommendation ("R&R") on January 21, 2011, recommending that the Court dismiss this action without prejudice for failure to prosecute, in accordance with Rule 41(b). Attached to the R&R was

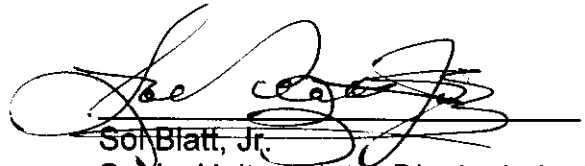
a notice advising the Plaintiff of his right to file objections to the R&R within 14 days of service. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, there are no portions of the R&R to which the Court must conduct a de novo review. Nevertheless, after review, the Court agrees with the Magistrate Judge that it appears that the Plaintiff no longer wishes to proceed with this action. Not only has he failed to respond to the Defendants' motion for summary judgment, but also, he has failed to respond to the Magistrate Judge's orders. In addition, the Plaintiff has failed to update his mailing address with the Court so that the Court may contact him regarding this case. In light of these circumstances, the Court agrees with the Magistrate Judge's recommendation that dismissal of this action for failure to prosecute is appropriate. See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

Accordingly, based on the foregoing, it is

 **ORDERED** that the R&R (Entry 25) is adopted and this action is dismissed without prejudice of failure to prosecute.

IT IS SO ORDERED.


Son Blatt, Jr.
Senior United States District Judge

February 8, 2011
Charleston, South Carolina